

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast)
Service)

PETITION FOR RECONSIDERATION

Allbritton Communications Company and its Licensee Subsidiaries 1/
(collectively, "Allbritton"), by its attorneys, petitions for reconsideration of the *Fifth Report and Order* and *Sixth Report and Order* in the above-captioned proceeding. 2/
Allbritton seeks reconsideration on the limited issue of the DTV allotments for KTUL, WHTM-TV, WCIV, and WSET-TV (collectively, the "Stations"). Specifically, Allbritton requests that the Commission permit the Stations to retain their DTV channels after the

1/ The Licensee Subsidiaries are the following entities, all of which are direct or indirect subsidiaries of Allbritton Communications Company: KTUL Television Inc., licensee of Television Broadcast Station KTUL, Tulsa, Oklahoma; Harrisburg Television Inc., licensee of Television Broadcast Station WHTM-TV; First Charleston Corp., licensee of Television Broadcast Station WCIV, Charleston, South Carolina; WSET Incorporated, licensee of Television Broadcast Station WSET-TV, Lynchburg, Virginia.

2/ *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, FCC 97-116 (April 21, 1997); *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Sixth Report and Order*, FCC 97-115 (April 21, 1997).

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transition or, alternatively, require the spectrum auction-winner to compensate the Stations for the expense of relocating back into the core spectrum, or, alternatively, consider alternate proposals from the Stations for new allotments which the Commission should accept for filing within 90 days of the issuance of OET Bulletin No. 69.

The Commission's implementation of DTV service leaves Allbritton in a commercially untenable position. Based on the DTV table of allotments adopted by the Commission in the *Sixth Report and Order*, Appendix B, KTUL, which has an NTSC allotment of channel 8, is allotted channel 58 as its DTV channel; WHTM-TV's NTSC allotment is channel 27, and its DTV allotment is channel 57; WCIV's NTSC allotment is channel 4, and its DTV allotment is channel 53; and WSET's NTSC allotment is channel 13, and its DTV allotment is channel 56. In light of the Stations' current NTSC operation from channels within the core spectrum, these DTV allotments are unduly burdensome. Replication of the Stations' signals -- a fundamental principle underlying the Commission's DTV policy, *id.* at ¶¶ 88-90 -- would necessitate the construction and operation of massive transmitters. While the cost and difficulty of converting such facilities must be borne by all broadcasters to make the transition to DTV transmission, the fact that the Stations' DTV allotments are all outside of the core spectrum and must therefore be surrendered after the transition creates a heightened burden.

Compounding Allbritton's predicament, the Commission's delay in releasing OET Bulletin No. 69 has prevented Allbritton from being able to propose any alternate channels for DTV service. The Commission's new rules for evaluating DTV coverage areas refer to the OET bulletin in four different contexts: 73.622(e) (defining

DTV service areas); 73.623(c)(2) (listing minimum technical criteria for modifying DTV allotments); 74.703(a) (specifying interference standards for requests to modify LPTV facilities) and 74.705(e) (specifying interference standards). The failure to make those principles available during the period in which parties may seek reconsideration of the DTV table creates inequities for broadcasters like Allbritton, who must seek reconsideration without the requisite guidance. Because OET Bulletin No. 69 does not yet exist and because of the hardships that a second relocation would impose, Allbritton submits that it is in the public interest to allow the Stations to retain their DTV channels subsequent to the conversion to DTV or, in the alternative, to require the spectrum auction-winner to reimburse the Stations for the expense of relocating back into the core spectrum, or, in the alternative, that the Commission allow 90 days after the release of that Bulletin for the Licensee Subsidiaries to request alternative DTV allotments.

In view of the foregoing, Allbritton requests reconsideration of the
above-captioned orders as described above.

Respectfully submitted,

**ALLBRITTON COMMUNICATIONS
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